

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:23CR234-1
	:	
TYJON PHILANDUS SNIPES	:	

FACTUAL BASIS FOR A GUILTY PLEA

NOW COMES the United States of America, by and through Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and states that the factual basis for a guilty plea is as follows:

On February 7, 2022, a grand jury in Lee County, North Carolina indicted Tyjon Philandus Snipes for Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury in violation of N.C. Gen. Stat. § 14-32(A), case number 22CRS50099. On March 24, 2022, Snipes and his attorney appeared in Lee County Superior Court for his arraignment during which the Court scheduled his trial for January 2023 with motions due by November 28, 2022, and Snipes waived formal arraignment, entered a plea of not guilty, and signed the waiver of arraignment which identified the charged offense as “AWDWIKISI.”

On October 29, 2022, Snipes remained under indictment in case number 22CRS50099. That evening, a North Carolina State Highway Patrol Trooper

stopped Snipes for speeding. As the Trooper approached Snipes's car, Snipes placed his loaded Sig Sauer P320 9mm pistol on the dashboard. The strong smell of marijuana emanating from the car caused the Trooper to call a Lee County Sheriff's Narcotics Lieutenant to the scene. After determining there were no narcotics or paraphernalia present, the Lieutenant, who was familiar with Snipes, talked with him about the firearm and told Snipes it was the same style the Lieutenant carried as his service weapon. Snipes told the Lieutenant he had received the firearm from a friend, A.W., who lived in Sanford, North Carolina, approximately two weeks earlier. When the Lieutenant asked Snipes if he remembered when he was indicted, Snipes replied, "Yes." After the Lieutenant told Snipes he was not permitted to receive the firearm while he was under indictment, Snipes responded that he thought that was the case. Snipes said, though, that an officer had previously stopped him when he had a firearm and the officer did not seize it. Snipes then admitted he was not indicted until shortly after that traffic stop. The Lieutenant took custody of the firearm, the Trooper gave Snipes his citation, and Snipes left the scene.

After the traffic stop and seizure of the firearm, Snipes called the Lee County Sheriff's Office and spoke with the Lieutenant at least once and left him at least two voicemails. Each time, Snipes asked the Lieutenant how he

could retrieve his firearm. On another occasion, Snipes was at the Lee County Sheriff's Office, saw the Lieutenant in the parking lot, and asked him how he could obtain his firearm.

Snipes's friend, A.W., told the Lieutenant and a Special Agent ("SA") with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") that the firearm was his and was a Christmas present from his mother in December 2021. A.W. claimed to have left it in Snipes's car when Snipes dropped A.W. off at his house in Sanford, North Carolina¹ the day before or a couple of days before the October 29, 2022 traffic stop. He told Snipes to hold on to the firearm until the next time they saw each other. Unlike Snipes, though, A.W. never attempted to obtain the firearm from the Sheriff's Office.

ATF SA and Interstate Nexus Examiner, Joshua Johnson, examined the Sig Sauer P320 9mm pistol, serial number M18A015839, and determined that it is a firearm under Title 18, it was not manufactured in North Carolina, and, thus, it traveled in and/or affected interstate commerce before Snipes received it.

¹ A.W. relayed this fact – the location of Snipes's receipt of the firearm – to the ATF SA and an ATF Task Force Officer the day after he spoke with the ATF SA and the Lieutenant.

This 1st day of September, 2023.

Respectfully submitted,

SANDRA J. HAIRSTON
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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system to notify:

Stacey D. Rubain, Esq.

Respectfully submitted,

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